

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of

: **Confirmation No. 2169**

Masaru FUSE et al.

: Docket No. 2003_1821

Serial No. 10/734,186

: Group Art Unit 2633

Filed December 15, 2003

: Examiner Christina Y. Leung

FM MODULATOR

: Mail Stop Amendment

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

This paper is in response to the Office Action mailed August 13, 2004.

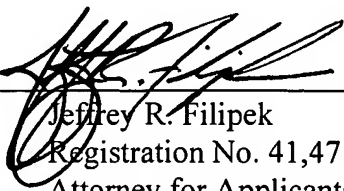
In item 3 beginning on page 3 of the Office Action, claims 8 and 9 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,512,621. A terminal disclaimer is filed concurrently herewith in order to overcome the non statutory double patenting rejection.

In view of the filing of the terminal disclaimer, it is submitted that the present application is now clearly in condition for allowance. The Examiner is invited to contact the undersigned by telephone to resolve any further issues.

Respectfully submitted,

Masaru FUSE et al.

By: _____


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